

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **JOSE A. SOSA-ROCHE, M.D.**

4 Holder of License No. 18643  
5 For the Practice of Allopathic Medicine  
6 In the State of Arizona.

Case No. MD-09-1474A

**ORDER FOR LICENSE  
REACTIVATION, PROBATION, AND  
CONSENT TO THE SAME**

7 Jose A. Sosa-Roche, M.D. ("Respondent") elects to permanently waive any right to  
8 a hearing and appeal with respect to this Order for Probation; admits the jurisdiction of the  
9 Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

10 **FINDINGS OF FACT**

11 1. The Board is the duly constituted authority for the regulation and control of  
12 the practice of allopathic medicine in the State of Arizona.

13 2. Respondent is the holder of license number 18643 for the practice of  
14 allopathic medicine in the State of Arizona.

15 3. The Board initiated case number MD-09-1474A after Respondent submitted  
16 to a urine drug screen that was positive for Oxycodone.

17 4. On May 10, 2006, Respondent entered into a confidential Stipulated  
18 Rehabilitation Agreement, which was terminated on January 21, 2009; however,  
19 Respondent was subject to random drug and alcohol screen testing. On April 24, 2009,  
20 Respondent submitted to a urine drug screen, which was positive for Oxycodone. On May  
21 19, 2009, Respondent met with the Board's Addiction Medicine Contractor (AMC) and  
22 underwent a urine and hair drug screen, which were also positive for Oxycodone.

23 5. On June 4, 2009, Respondent was ordered to undergo a residential  
24 evaluation and it was determined that Respondent had relapsed and treatment was  
25 recommended. On June 29, 2009, Respondent signed a request to inactivate his license

1 with cause because his SRA for substance abuse had been terminated and he had  
2 relapsed pursuant to A.R.S. § 32-1452(F).

3 6. On October 4, 2009, Respondent successfully completed long-term  
4 residential treatment. On October 7, 2009, Respondent requested reactivation of his  
5 license. Upon review of the treatment records, the AMC recommended that Respondent  
6 should participate in the Board's Monitored Aftercare Program (MAP) and stated that  
7 Respondent was safe to return to practice. On December 1, 2009, Respondent entered  
8 into an Interim Order to Participate in MAP. Board staff recommends that Respondent's  
9 license be reactivated and he be placed in MAP under a final Board Order.

#### 10 CONCLUSIONS OF LAW

11 1. The Arizona Medical Board possesses jurisdiction over the subject matter  
12 hereof and over Respondent.

13 2. The Board has received substantial evidence supporting the Findings of Fact  
14 described above and said findings require the Board to either refer the matter for formal  
15 hearing to revoke Respondent's license or reactive Respondent's license and place  
16 Respondent on probation for five years with restrictions necessary to assure public safety.  
17 A.R.S. § 32-1452(F).

#### 18 ORDER

19 IT IS HEREBY ORDERED that:

20 1. Respondent's license is reactivated upon payment of the renewal fee.

21 2. Respondent is placed on Probation for five years with the following terms  
22 and conditions:

23 a.1. Participation<sup>1</sup>. Respondent shall promptly enroll in and participate in  
24 \_\_\_\_\_

25 <sup>1</sup> Respondent's MAP participation is retroactive to December 1, 2009.

1 the Board's program for the treatment and rehabilitation of physicians who are impaired by  
2 alcohol or drug abuse ("MAP"). Respondent's participation in MAP may be unilaterally  
3 terminated with or without cause at the Board's discretion at any time after the issuance of  
4 this Order.

5 i. Respondent shall submit quarterly declarations under penalty of  
6 perjury stating whether there has been compliance with all conditions of  
7 MAP. The declarations shall be submitted to the contractor retained by the  
8 Board to administer the MAP program ("Contractor") on or before the 15th of  
9 March, June, September and December of each year, beginning on or  
10 before March, 2010.

11 2. **Relapse Prevention Group.** Respondent shall attend MAP's relapse  
12 prevention group therapy sessions one time per week for the duration of this Order, unless  
13 excused by the MAP relapse prevention group facilitator for good cause such as illness or  
14 vacation. Respondent shall instruct the MAP relapse prevention group facilitators to  
15 release to the MAP Contractor, upon request, all records relating to Respondent's  
16 treatment, and to submit monthly reports to the MAP Contractor regarding attendance and  
17 progress. The reports shall be submitted on or before the 10th day of each month.

18 3. **12 Step or Self-Help Group Meetings.** Respondent shall attend  
19 ninety 12-step meetings or other self-help group meetings appropriate for substance  
20 abuse and approved by the MAP Contractor, for a period of ninety days beginning no later  
21 than either (a) the first day following Respondent's discharge from chemical dependency  
22 treatment or (b) the date of this Order.

23 4. Following completion of the ninety meetings in ninety days,  
24 Respondent shall participate in a 12-step recovery program or other self-help program  
25 appropriate for substance abuse as recommended by the MAP Contractor. Respondent

shall attend a minimum of three 12-step or other self-help program meetings per week for a total of twelve per month. Two of the twelve meetings must be Caduceus meetings. Respondent must maintain a log of all self-help meetings. The MAP Contractor will provide the log to Respondent.

5. **Approved Primary Care Physician.** Respondent shall promptly obtain a primary care physician and shall submit the name of the physician to the MAP Contractor in writing for approval. The approved primary care physician ("PCP") shall be in charge of providing and coordinating Respondent's medical care and treatment. Except in an *Emergency*, Respondent shall obtain medical care and treatment only from the PCP and from health care providers to whom the PCP refers Respondent. Respondent shall request that the PCP document all referrals in the medical record. Respondent shall promptly inform the PCP of Respondent's rehabilitation efforts and provide a copy of this Order to the PCP. Respondent shall also inform all other health care providers who provide medical care or treatment that Respondent is participating in MAP.

a. *"Emergency"* means a serious accident or sudden illness that, if not treated immediately, may result in a long-term medical problem or loss of life.

6. **Medication.** Except in an *Emergency*, Respondent shall take no *Medication* unless the PCP or other health care provider to whom the PCP refers Respondent prescribes the *Medication*. Respondent shall not self-prescribe any *Medication*.

a. *"Medication"* means a prescription-only drug, controlled substance, and over-the counter preparation, other than plain aspirin, plain ibuprofen, and plain acetaminophen.

7. If a controlled substance is prescribed, dispensed, or administered to

1 Respondent by any person other than PCP, Respondent shall notify the PCP in writing  
2 within 48 hours and notify the MAP Contractor immediately. The notification shall contain  
3 all information required for the medication log entry specified in paragraph 8. Respondent  
4 shall request that the notification be made a part of the medical record. This paragraph  
5 does not authorize Respondent to take any *Medication* other than in accordance with  
6 paragraph 6.

7           8.     Medication Log. Respondent shall maintain a current legible log of  
8 all *Medication* taken by or administered to Respondent, and shall make the log available  
9 to the MAP Contractor upon request. For *Medication* (other than controlled substances)  
10 taken on an on-going basis, Respondent may comply with this paragraph by logging the  
11 first and last administration of the *Medication* and all changes in dosage or frequency.  
12 The log, at a minimum, shall include the following:

- 13                   a.     Name and dosage of *Medication* taken or administered;
- 14                   b.     Date taken or administered;
- 15                   c.     Name of prescribing or administering physician;
- 16                   d.     Reason *Medication* was prescribed or administered.

17           This paragraph does not authorize Respondent to take any *Medication* other than  
18 in accordance with paragraph 6.

19           9.     No Alcohol or Poppy Seeds. Respondent shall not consume  
20 alcohol, any food, or other substance containing poppy seeds or alcohol.

21           10.    Biological Fluid Collection. During all times that Respondent is  
22 physically present in the State of Arizona and such other times as the MAP Contractor  
23 may direct, Respondent shall promptly comply with requests to submit to witnessed  
24 biological fluid collection. If Respondent is directed to contact an automated telephone  
25 message system to determine when to provide a specimen, Respondent shall do so within

1 the hours specified. For the purposes of this paragraph, in the case of an in-person  
2 request, "promptly comply" means "immediately." In the case of a telephonic request,  
3 "promptly comply" means that, except for good cause shown, Respondent shall appear  
4 and submit to specimen collection no later than two hours after telephonic notice to appear  
5 is given. The MAP Contractor in its sole discretion shall determine good cause.

6           11. Respondent shall provide the MAP Contractor in writing with one  
7 telephone number that shall be used to contact Respondent on a 24 hour per day/seven  
8 day per week basis to submit to biological fluid collection. For the purposes of this section,  
9 telephonic notice shall be deemed given at the time a message to appear is left at the  
10 contact telephone number provided by Respondent. Respondent authorizes any person  
11 or organization conducting tests on the collected samples to provide testing results to the  
12 MAP Contractor.

13           12. Respondent shall cooperate with collection site personnel regarding  
14 biological fluid collection. Repeated complaints from collection site personnel regarding  
15 Respondent's lack of cooperation regarding collection may be grounds for termination  
16 from MAP.

17           13. Out of State Travel and/or Unavailability at Home or Office  
18 Telephone Number. Respondent shall provide the MAP Contractor with at least three  
19 business days advance written notice of any plans to be away from office or home when  
20 such absence would prohibit Respondent from responding to an order to provide a  
21 biological fluid specimen or from responding to communications from the MAP Contractor.  
22 The notice shall state the reason for the intended absence from home or office, and shall  
23 provide a telephone number that may be used to contact Respondent.

24           14. Payment for Services. Respondent shall pay for all costs,  
25 including personnel and contractor costs, associated with participating in MAP at

1 time service is rendered, or within 30 days of each invoice sent to Respondent.

2 15. Examination. Respondent shall submit to mental, physical, and  
3 medical competency examinations at such times and under such conditions as directed by  
4 the MAP Contractor to assist in monitoring Respondent's ability to safely perform as a  
5 physician and Respondent's compliance with the terms of this Order.

6 16. Treatment. Respondent shall submit to all medical, substance  
7 abuse, and mental health care and treatment ordered by the MAP Contractor.

8 17. Obey All Laws. Respondent shall obey all federal, state and local  
9 laws, and all rules governing the practice of medicine in the State of Arizona.

10 18. Interviews. Respondent shall appear in person before the Board and  
11 its Staff and MAP Contractor for interviews upon request, upon reasonable notice.

12 19. Address and Phone Changes, Notice. Respondent shall  
13 immediately notify the MAP Contractor in writing of any change in office or home  
14 addresses and telephone numbers.

15 20. Relapse, Violation. In the event of chemical dependency relapse by  
16 Respondent or Respondent's use of drugs or alcohol in violation of the Order,  
17 Respondent's license shall be summarily suspended pending a hearing for  
18 revocation. In the alternative, Respondent may SURRENDER HIS LICENSE if he agrees  
19 in writing to being impaired by alcohol or drug abuse. A.R.S. § 32-1452(G).

20 21. Notice Requirements.

21 (A) Respondent shall immediately provide a copy of this Order to all  
22 employers and all hospitals and free standing surgery centers where Respondent currently  
23 has privileges. Within 30 days of the date of this Order, Respondent shall provide the MAP  
24 Contractor with a signed statement of compliance with this notification requirement. Upon  
25 any change in employer or upon the granting of privileges at additional hospitals and free

1 standing surgery centers, Respondent shall provide the employer, hospital or free standing  
2 surgery center with a copy of this Order. Within 30 days of a change in employer or upon  
3 the granting of privileges at additional hospitals and free standing surgery centers,  
4 Respondent shall provide the MAP Contractor with a signed statement of compliance with  
5 this notification requirement.

6 (B) Respondent is further required to notify, in writing, all employers,  
7 hospitals and free standing surgery centers where Respondent currently has or in the  
8 future gains employment or privileges, of a chemical dependency relapse, use of drugs or  
9 alcohol in violation of this Order and/or entry into a treatment program. Within seven days  
10 of any of these events Respondent shall provide the MAP Contractor written confirmation  
11 of compliance with this notification requirement.

12 22. Public Record. This Order is a public record.

13 23. Out-of-State. In the event Respondent resides or practices as a  
14 physician in a state other than Arizona, Respondent shall participate in the rehabilitation  
15 program sponsored by that state's medical licensing authority or medical society.  
16 Respondent shall cause the monitoring state's program to provide written reports to the  
17 MAP Contractor regarding Respondent's attendance, participation, and monitoring. The  
18 reports shall be due quarterly on or before the 15th day of March, June, September, and  
19 December of each year, until the Board terminates this requirement in writing. The  
20 monitoring state's program and Respondent shall immediately notify the MAP Contractor if  
21 Respondent: a) is non-compliant with any aspect of the monitoring requirements; b)  
22 relapses; c) tests positive for controlled substances; d) has low specific gravity urine drug  
23 test(s), missed and/or late urine drug tests, or otherwise rejected urine drug tests; and e) is  
24 required to undergo any additional treatment.



1           24. This Order supersedes all previous consent agreements and  
2 stipulations between the Board and/or the Executive Director and Respondent.

3           25. The Board retains jurisdiction and may initiate new action based upon  
4 any violation of this Order.

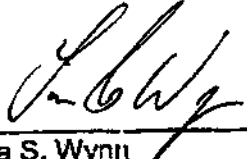
5           DATED AND EFFECTIVE this 18<sup>TH</sup> day of FEBRUARY, 2010.

6  
7 (SEAL)



ARIZONA MEDICAL BOARD

8  
9 By

  
Lisa S. Wynn  
Executive Director

10  
11 **CONSENT TO ENTRY OF ORDER**

12  
13 1. Respondent has read and understands this Consent Agreement and the  
14 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent  
15 acknowledges he has the right to consult with legal counsel regarding this matter.

16 2. Respondent acknowledges and agrees that this Order is entered into freely  
17 and voluntarily and that no promise was made or coercion used to induce such entry.

18 3. By consenting to this Order, Respondent voluntarily relinquishes any rights  
19 to a hearing or judicial review in state or federal court on the matters alleged, or to  
20 challenge this Order in its entirety as issued by the Board, and waives any other cause of  
21 action related thereto or arising from said Order.

22 4. The Order is not effective until approved by the Board and signed by its  
23 Executive Director.

24 5. All admissions made by Respondent are solely for final disposition of this  
25 matter and any subsequent related administrative proceedings or civil litigation involving  
the Board and Respondent. Therefore, said admissions by Respondent are not intended

1 or made for any other use, such as in the context of another state or federal government  
2 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
3 any other state or federal court.

4 6. Upon signing this agreement, and returning this document (or a copy  
5 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the  
6 entry of the Order. Respondent may not make any modifications to the document. Any  
7 modifications to this original document are ineffective and void unless mutually approved  
8 by the parties.

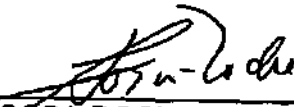
9 7. This Order is a public record that will be publicly disseminated as a formal  
10 disciplinary action of the Board and will be reported to the National Practitioner's Data  
11 Bank and on the Board's web site as a disciplinary action.

12 8. If any part of the Order is later declared void or otherwise unenforceable, the  
13 remainder of the Order in its entirety shall remain in force and effect.

14 9. If the Board does not adopt this Order, Respondent will not assert as a  
15 defense that the Board's consideration of the Order constitutes bias, prejudice,  
16 prejudgment or other similar defense.

17 10. Any violation of this Order constitutes unprofessional conduct and may result  
18 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,  
19 consent agreement or stipulation issued or entered into by the board or its executive  
20 director under this chapter") and 32-1451.

21 11. ***Respondent has read and understands the conditions of probation.***

22  
23   
24 JOSE A. SOSA-ROCHE, M.D.

DATED: 1/8/09

25 EXECUTED COPY of the foregoing mailed

1 this 1st day of February, 2010 to:

2 Jose A. Sosa-Roche, M.D.

3 Address of Record

4 EXECUTED COPY of the foregoing mailed  
this 1st day of February, 2010 to:

5 Sucher & Greenberg, P.C.

6 ORIGINAL of the foregoing filed  
7 this 1st day of February, 2010 with:

8 Arizona Medical Board  
9 9545 E. Doubletree Ranch Road  
Scottsdale, AZ 85258

10  
11 Chris Banks  
12 Arizona Medical Board Staff